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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,727	04/20/2001	Paul F. Struhsaker	WEST14-00029	1216

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EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,727

Applicant(s)

STRUHSAKER, PAUL F.

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 6 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 7. 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 6, 12-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

2. The following is a statement of reasons for the indication of allowable subject matter:

The reference of Uhlik (U.S. Patent No. 6,600,914) teaches the dialing code associated priority call. However, the Uhlik and the prior art of record fail to teach or suggest, the assistance center comprises an emergency dispatch center having a pseudo-universal dialing code associated therewith, wherein the priority call comprises an emergency call, and wherein the dialing-digit signal generated by their dialing-digit signal generator is of values corresponding to the pseudo-universal dialing code associated with the emergency dispatch center when the user actuates the actuation keypad to cause entry of the dialing digits forming the pseudo universal dialing code, as cited in claims 6 and claim 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 recites the limitation is not indicated which is belonging in what claim? There is insufficient antecedent basis for this limitation in the claim. Examiner suggested the claim 6 should belong to claim 5.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Uhlik (U.S. Patent No. 6,600,914).

Regarding claim 1, Uhlik teaches the multi-user FWA (fixed wireless access) communication system in which a plurality of subscriber stations are operable to communicate by way of radio links with network infrastructure to which a correspondent node is coupled, an improvement of apparatus for a selected subscriber station of the plurality of subscriber stations at which a call of selected call-type is selectably originated (see fig. 1A-B, col. 1, lines 26-36),

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the apparatus comprising: a call establishment message generator coupled to receive an indication of initiation at the selected subscriber station of origination of the call (see fig. 1A, call establishment message generator 108, col. 1, lines 56-67, col. 5, lines 1-9), the call establishment message generator for generating a call establishment message for communication to the network infrastructure to initiate call set-up procedures precursing a request to establish the call between the selected subscriber station and the correspondent node (see fig. 1A and fig. 2, col. 1, lines 56-67, col. 2, lines 5-17); the response detector coupled to receive an indication of a network-infrastructure generated response to the call establishment message generated by the call establishment message generator (see col. 1, lines 56-62), the response detector for detecting whether the response to the call establishment message indicates communication resources to be available to establish the call (see col. 1, lines 55-62); and a call set-up emulator coupled to the response detector (see fig. 1A, col. 1, lines 56-64, col. 5, lines 57-67), the call set-up emulator operable to emulate at the selected subscriber station normal call set-up operations thereat at least for a selected period responsive to detection by the response detector of unavailability of the communication resources to establish the priority call (see figs. 2-3A, col. 5, lines 1-10, lines 57-67 and col. 7, lines 61-col. 8, lines 33).

Regarding claim 2, Uhlik teaches the call set-up emulator comprises a dial-tone generator (see fig. 1A, DTMF converter 103), the dial-tone generator for generating an audio dial-tone at the selected subscriber station responsive to detection by the response detector of the unavailability of the communication resources (see col. 2, lines 5-17).

Regarding claim 3, Uhlik teaches wherein the subscriber station comprises a telephonic station having an actuation keypad actuatable by a user to enter dialing digits associated with the correspondent node and wherein generation of the audio dial-tone by the dial-tone generator is terminated upon commencement of entry of the dialing digits (see fig. 1A, and fig. 2, user dials number 209, col. 9, lines 1-20).

Regarding claim 4, Uhlik teaches the dialing digit signal generator coupled to receive indications of entry of the dialing digits at the actuation keypad the dialing-digit signal generator for generating a dialing-digit indication signal for communication to the network infrastructure pursuant to the request to establish the call between the subscriber station and the correspondent node (see fig. 1A and fig. 2, col. 8, lines 44-59).

Regarding claim 5, Uhlik teaches the correspondent node comprises an assistance center having a dialing code formed of dialing digits associated with the assistance center, wherein the call of the selected call-type comprises a priority call, and wherein the dialing-digit signal generated by said dialing-digit signal generator is of values corresponding to the dialing code associated with the assistance center when the user actuates the actuation keypad to cause entry of the dialing digits forming the dialing code associated with the assistance center (see col. 3, lines 61-col. 4, lines 15).

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Regarding claim 7, Uhlik teaches the call establishment message detector coupled to receive indications of receipt at the network infrastructure of the call establishment message; and a response generator coupled to the call establishment e message detector, the response generator for generating the response to the call establishment message (see figs. 1A, 3A, col. 5, lines 57-67).

Regarding claim 8, Uhlik teaches the communication resource availability determiner operable responsive to detection of the call establishment message by the call establishment message detector, the communication resource availability determiner for determining whether communications resources are available to establish the call (see col. col. 2, lines 5-26, col. 7, lines 21-31).

Regarding claim 9, Uhlik teaches the network infrastructure is coupled to the correspondent node by way of a network backbone, and wherein the communication resource availability determiner determines both whether communication resources are available upon the network backbone to establish the call and whether communication resources are available upon the radio links to establish the call (see col. 1, lines 26-36, lines 56-67, col. 2, lines 5-25).

Regarding claim 10, Uhlik teaches wherein the subscriber station further sends a dialing digit indication signal to the network infrastructure and wherein the apparatus for the network infrastructure further comprises a dialing digit indication detector coupled to receive indications

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of receipt at the network infrastructure of the dialing digit indication signal (see figs. 1A, 3A, col. 5, lines 57-67, col. 7, lines 21-31, col. 13, lines 13-26).

Regarding claim 11, Uhlik teaches the resource reallocator coupled to the dialing digit indication detector and to the resource availability determiner, the resource reallocator selectably operable to reallocate communication resources in the multi-user FWA communication system responsive to selected values contained in the dialing digit indication signal detected by the dialing digit indication detector (see col. 9, lines 52-67, col. 16, lines 51-56, col. 20, lines 60-64).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pentikainen (U.S. Patent No. 6,185,412) discloses procedure and system for ensuring emergency communication in a wireless local loop environment.

Bilgic (U.S. Patent No. 5,884,148) discloses wireless local system and method.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
Art Unit 2684
November 21, 2003

A handwritten signature in black ink, appearing to read "Mike Connor", is written over the typed name and date.